HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 242 OF 2007.
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WRIT PETITION NO. 248 OF 2007.
WRIT PETITION NO. 249 OF 2007.
WRIT PETITION NO. 250 OF 2007.
WRIT PETITION NO. 251 OF 2007.
WRIT PETITION NO. 252 OF 2007.

Dattu Hanba Jadhav & Anr. ..Petitioners.

Versus.

Madhukar Bhagwan Kulkarni & Others..Respondents.

Mr. I. M. Khairdi for the petitioner.

Mr. P. P. Khemani, A.G.P. for the respondent nos. 3 & 4.

Mr. S. Sakhare for respondent no.2.

Mr. J.P. Kharge for respondent no.1

CORAM: S.J. VAZIFDAR, J.

DATE: JANUARY 18, 2007.

P.C.

1. Rule. By consent of parties, Rule returnable and heard forthwith.

2. These petitions can conveniently be disposed of by this common order. The petitioner's main grievance is that the stay applications have been rejected by the impugned order.

3. In a nutshell, the dispute pertains to 11 Change Reports which were filed on 22nd May 1997 and allowed on 22nd June 1997. The order allowing the Change Reports was challenged, and ultimately by an order dated 14th March 2006 the learned Additional District Judge remanded the same. The respondent challenged this order by filing First Appeals in this Court. The same, however, were withdrawn. On 27th October 2005, in Writ Petition No. 7466 of 2005 an ad-interim order was passed directing the respondent not to make any financial expenditure except for the purpose of day-to-day running of the Trust. By an order dated 19th December 2005 said writ petition was disposed of by expediting the hearing of the Change Reports and in the meantime recording the agreement between the parties that the Respondent would not to take any major policy decision and to conduct the business of the Trust, on day-to-day basis only.

4. The Change Reports were again accepted on

22nd June 2006. The petitioner has filed an appeal before the Joint Charity Commissioner, Latur against the same.

5. In the facts and circumstances of the case it is desirable that pending the hearing and final disposal of the appeals, the same protection ought to continue. It was contended that the earlier order may hamper the functioning of the Trust. The status of each of the parties is in doubt. In the circumstances, the mere fact that some major policy decision may be obstructed, would not be a reason for not protecting the interest of the Trust itself. The apprehension of the respondents can be safeguarded by providing them liberty to approach the Joint Charity Commissioner before whom the appeals are pending for permission.

6. In the circumstances, rule is made absolute in the following terms:-

. Pending the hearing and final disposal of the appeals before the Joint Charity Commissioner the alleged Trustees will not take any major policy decisions without the leave of the Joint Charity Commissioner. Any application shall be made only after

notice to the petitioner in writing. It is clarified that the respondents shall be entitled to conduct the business of the Trust on day-to-day basis only including filling the vacancies. The petitioner is at liberty to challenge even the said act by adopting appropriate proceedings in accordance with law. Considering the nature of the Trust and extent of the properties, the Joint Charity Commissioner is requested to dispose of the appeals as expeditiously as possible.

7. All the writ petitions are accordingly disposed of.